IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4621 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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IQBAL MOHMAD

Versus

VERAVAL PATAN JOINT MUNI,

Appearance:

MR AJ SHASTRI for Petitioners

MR ARUN H MEHTA for Respondent No. 1

NOTICE SERVED for Respondent No. 2

Mr. SN Bhatt, Ld. AGP for Respondent No.3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 21/06/2001

ORAL JUDGEMENT

I have heard Mr.A.J. Shastri, learned Counsel appearing on behalf of the petitioners. I have also heard Mr.A.H.Mehta, learned Sr. Counsel appearing on behalf of the respondent No.1 and also Mr.S.N. Bhatt, learned AGP appearing on behalf of the respondent State.

The petitioners are occupying certain lands in Survey No.1537 of Veraval Patan Joint Municipality, near Water Tank. It is submitted by the learned Counsel for the petitioners that the occupants have been occupying the land in question for more than 30 years. It is submitted by Mr.Mehta, learned Sr. Counsel that the dispute was whether these lands belonged to the Government or to the Veraval Patan Joint Municipality. Mr.Mehta very fairly submits that the matter was challenged in this Court and the learned Single Judge as well as the Division Bench of this Court and subsequently

the Hon'ble Supreme Court have held that the aforesaid disputed lands together with other lands belong to different Municipalities and the lands do not belong to the Government. Now the Municipality concerned has issued eviction notice to the petitioners in the year 1992. Since then, the matter is challenged in different cases by the petitioners.

Having regard to the fact that the petitioners have been in occupation of the lands in question for a long time, I am of the view that the Municipality concerned should consider whether their cases can be considered for either regularisation or for allotment, etc. Accordingly, the petitioners are directed to file representations to the Municipality for regularisation or allotment of the lands, which they are in occupation, within four weeks from the date of receipt of this order and the Municipality is directed to consider the representations of the petitioners for regularisation or for allotment of the said lands, within four months from the date of receipt of the representations of the petitioners. While considering the representations of the petitioners, the Municipality may keep in view the long occupation of the lands by the petitioners. The petitioners have been given protection by an interim order by this Court since 1992. Therefore, I am of the view that this protection should continue till disposal of the representations of the petitioners by the Municipality. Accordingly, the interim order will continue for two months from the date of disposal of the representations of the petitioners by the Municipality.

With the aforesaid observations and directions, the petition is disposed of. Rule is discharged. No order as to costs.

21-6-2001 (P.K. Sarkar, J.)

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